

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

VELIE and VELIE, P.L.L.C., and)	
JONATHAN VELIE,)	
)	
Plaintiffs,)	
)	
vs.)	Case Number CIV-07-514-C
)	
ONNAM ENTERTAINMENT, L.L.C.;)	
SANDRA MANNO; TRUE NATIVE)	
AMERICAN GAMING, L.L.C.; TRUE)	
GAMING INTERNATIONAL, L.L.C.;)	
JOEL GOLD; SIMON RAPPS; ARYEH)	
LIGHTSTONE; and LYNWOOD SMITH,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Plaintiffs filed the present motion seeking to recover attorneys' fees expended in prosecuting this action. Plaintiffs argue they are entitled to recover fees as they are the prevailing party and 12 Okla. Stat. § 936 authorizes an award of fees in this case.

Although the time for response has passed, Defendants have neither responded nor sought additional time in which to respond. Accordingly, the Court will accept as true the factual assertions in Plaintiffs' motion.

Plaintiffs are clearly the prevailing party in this action, as the Court awarded default judgment in their favor on August 22, 2008. Plaintiffs' request is timely, having been filed within 14 days from the date judgment was entered. 12 Okla.Stat. § 936 provides:

In any civil action to recover for labor or services rendered, or on an open account, a statement of account, account stated, note, bill, negotiable instrument, or contract relating to the purchase or sale of goods, wares, or merchandise, unless otherwise provided by law or the contract which is the

subject of the action, the prevailing party shall be allowed a reasonable attorney fee to be set by the court, to be taxed and collected as costs.

Plaintiffs filed this action to recover attorneys' fees expended on behalf of Defendants pursuant to a contract between the parties. Accordingly, Plaintiffs' action was one to recover for labor or services rendered. Thus, Plaintiffs are entitled to recover fees. Plaintiffs have attached as exhibits to their motion billing records reflecting the time spent on a project and the amount charged for the work. Plaintiffs have also included an affidavit setting forth counsel's experience, hourly rate, and counsel's attestation that the time spent on each project was reasonable. The Court, having reviewed the evidentiary materials and the arguments raised in the brief, finds the time expended and the hourly rates charged to be reasonable. Accordingly, Plaintiffs are entitled to recover attorneys' fees from Defendants in the amount of \$23,930.00.

For the reasons set forth herein, Plaintiffs' Motion for Attorneys Fees (Dkt. No. 48) is GRANTED. Plaintiffs are entitled to recover \$23,930.00 from Defendants representing the reasonable attorneys' fees expended in prosecuting this action.

IT IS SO ORDERED this 23rd day of September, 2008.


ROBIN J. CAUTHRON
United States District Judge